

**REMARKS**

Claims 11, 13-23, 25, 27-31, 33, 34, and 36-39 are pending. Claim 25 has been amended. No new matter has been added.

Claims 11, 13-23, 25, 27-31, 33, 34, and 36-39 are rejected. Claim 25 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11, 13, 16-21, 23, 25, 27-31, 33, 34, and 36-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,900,259 to Miyoshi et al. (“Miyoshi”) in view of U.S. Patent No. 5,209,889 to Brown et al. (“Brown”). Claims 14, 15, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyoshi and Brown and further in view of Official Notice.

**Rejection of Claim 25 under 35 U.S.C. § 112**

Claim 25 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner asserts that there is insufficient antecedent basis for “the evaluated actual values.” Accordingly, claim 25 has been amended to recite “the actual values.” Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 112 be withdrawn.

**Rejection of Claims 11, 13, 16-21, 23, 25, 27-31, 33, 34, and 36-39 under 35 U.S.C. §103(a)**

Claims 11, 13, 16-21, 23, 25, 27-31, 33, 34, and 36-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyoshi in view of Brown. This rejection is respectfully traversed.

Miyoshi and Brown fail to teach or suggest each and every element of the pending claims. More specifically, Miyoshi and Brown fail to teach or suggest “receiving at the computer at least one input from an operator and sending the received at least one input to the control process virtually in parallel with the execution of the monitoring process,” as recited in claim 11 and similarly recited in claims 18, 25, 31, and 38. On page 3 of the Office Action, the Examiner recognizes that Miyoshi fails to teach or suggest this limitation. The Examiner now asserts that Brown teaches this limitation. On page 4 of the Office Action, the Examiner asserts that “Brown discloses a step of receiving at a computer at least one input from an operator and

sending the received at least one input to a control process virtually in parallel with any stage of the injection molding process (col. 8 and 9, lines 64-12).” However, Brown fails to cure the deficiencies of Miyoshi.

Brown recites a control panel (63) that “includes a manual safety switch to enable the operator to shut off the machine during any stage of operation.” Col. 9, lines 10-12. On page 4 of the Office Action, the Examiner asserts that “turning off the machine [occurs] virtually in parallel with a monitoring process.” However, Brown’s teaching for turning off the machine at any stage would render Miyoshi inoperable for its purpose. Miyoshi’s injection molding system would necessarily be inoperable if the operator were to “shut off the machine during any stage of operation.” Because the Examiner’s only cited control is shutting off the machine, the modification of Miyoshi to include the control of Brown would render Miyoshi inoperable for its purpose, which is injection molding. When an operator shuts off an injection molding machine, the process does not occur “in parallel” because the injection molding stops. The corresponding stage of injection molding ceases to continue when the machine is turned off. Likewise, shutting off a machine would prevent the claimed invention from monitoring an injection molding process because shutting of a machine stops any desired monitoring. Causing the injection molding to cease would run contrary to the purposes of monitoring the process, because turning off the machine would prevent the process from continuing, so there would be no process to monitor.

Therefore, Miyoshi and Brown fail to teach or suggest each and every element of claims 11, 18, 25, 31, and 38. Because claims 13, 16, 17, 19-21, 23, 27-30, 33, 34, 36, 37, and 39 depend on claims 11, 18, 25, 31, and 38, it is respectfully submitted that claims 13, 16, 17, 19-21, 23, 27-30, 33, 34, 36, 37, and 39 are also in condition for allowance. Therefore, the undersigned respectfully requests that the pending rejection under 35 U.S.C. § 103(a) be withdrawn.

**Rejection of Claims 14, 15, and 22 under 35 U.S.C. § 103(a)**

Claims 14, 15, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyoshi and Brown and further in view of Official Notice. This rejection is respectfully traversed.

On page 5 of the Office Action, the Examiner recognizes that “Miyoshi and Brown do not explicitly disclose receiving and sending input or output is executed by the computer under an operating system comprising non-real-time capabilities.” The Examiner takes Official Notice “that non real-time systems are well known at the time the invention was made in the analogous art of data processing.” However, the Examiner’s assertion that it would have been obvious to have the “operator distribute the input/output data not in real time” contradicts the Examiner’s assertion above regarding the shut off of the machine. Brown recites a safety switch to manually turn off a machine. But if the switch is not processed in real-time, then the machine will not shut off right away and can cause a problem that the “safety switch” aims to avoid. The Examiner’s assertion provides further evidence that the safety switch in Brown does not teach the “input” as recited in the claims.

As discussed above, Miyoshi and Brown fail to teach or suggest each and every element of claims 11 and 18. Because claims 14, 15, and 22 depend on claims 11 and 18, it is respectfully submitted that claims 14, 15, and 22 are also in condition for allowance. Therefore, the undersigned respectfully requests that the pending rejection under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

Based on the foregoing remarks, Applicants respectfully request withdrawal of the rejections of claims and allowance of this application. In the event that a telephone conference would assist in the examination of this application, Applicants invite the Examiner to contact the undersigned at the number provided.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **50-3732**, Order No. **03869-105002US**. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **50-3732**, Order No. **03869-105002US**.

Respectfully submitted,  
King & Spalding, LLP

Dated: February 11, 2009

By: /Eric L. Sophir Reg. No. 48,499/  
Scott T. Weingaertner, Reg. No. 37,756  
Eric L. Sophir, Reg. No. 48,499

Customer Number 65989  
Correspondence Address:  
King & Spalding  
1185 Avenue of the Americas  
New York, NY 10036-4003  
(212) 556-2125 Telephone  
(212) 556-2222 Facsimile